

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
SOUTHERN DIVISION**

CYRUS DESMOND PIERSON,)
)
 Plaintiff,)
)
 v.)
)
 JEFF SHELTON of the COFFEE)
 COUNTY SHERIFF'S DEPARTMENT,)
)
 Defendant.)

Civil Action No. 1:07-cv-451-WKW-WC

DEFENDANT'S ANSWER

COMES NOW the Defendant, Coffee County Deputy Sheriff Glenn Shelton and answers the Plaintiff's Complaint as follows:

Answer

The Defendant in this action denies each and every allegation made by the Plaintiff, Cyrus Desmond Pierson, and demands strict proof thereof. The Defendant denies that he acted, or caused anyone to act, in such a manner so as to deprive the Plaintiff of his constitutional rights.

Affirmative Defenses

1. The Plaintiff's Complaint, separately and severally, fails to state a claim upon which relief may be granted.
2. The Defendant in this matter, in his official capacity, is entitled to absolute immunity from the Plaintiff's claims pursuant to the Eleventh Amendment to the United States Constitution.
3. The Defendant in his official capacity is not a "person" under 42 U.S.C. § 1983.
4. The Plaintiff's claims are barred by the Prison Litigation Reform Act.

5. Defendant reserves the right to supplement this Answer by adding additional affirmative defenses as the facts of this case are developed and if discovery is ordered by the Court.

Respectfully submitted this 19th day of July, 2007.

s/Gary L. Willford, Jr.
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CERTIFICATE OF SERVICE

I hereby certify that on this the 19th day of July, 2007, I have electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, and that I have mailed a true and correct copy of the foregoing by United States Mail, postage prepaid, to the following non-CM/ECF participant:

Cyrus Desmond Pierson
4 County Complex
Coffee County Jail
New Brockton, Alabama 36351

s/Gary L. Willford, Jr.
OF COUNSEL